

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

September 27, 2010

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **September 27, 2010**, at 6:48 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman, was absent from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held August 9, 2010; Public Hearings for Bills Numbered 10-24, 10-25, 10-26 and 10-27, and a Regular Meeting of Council held August 23, 2010.

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** the **minutes** as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – none

EXECUTIVE SESSION – none

MS. MARYANN OLWIG, TRIDENT LITERACY ASSOCIATION: PRESENTATION

Chairman Daniel Davis: “At this time, I would like to recognize Ms. Maryann Olwig, from the Trident Literacy Association. And, I have a proclamation that I’d like to read, and we will adopt this later on, but I just want to go ahead and read it.

PROCLAMATION

In Honor of International Literacy Month, September 2010

WHEREAS, the need for a highly literate citizenry increases as our community moves toward an increasingly technological future; and

WHEREAS, more than 15,000 adults in Berkeley County do not have a high school credential, and more than 5,000 have less than a ninth grade education, negatively affecting their ability to become employed and to participate fully as citizens, and

WHEREAS, the economic impact of illiteracy affects us all, because of higher costs for welfare, healthcare and prisons, which are directly linked to high rates of illiteracy, and

WHEREAS, Trident Literacy Association provides self-paced, individualized instruction in basic literacy, GED preparation, English as a Second Language, WorkKeys Career Readiness and basic computer skills to approximately 500 adults in Berkeley County annually at sites in Moncks Corner and Goose Creek; and

WHEREAS, the United States Congress has declared *National Adult Education and Family Literacy Week*, September 13-17, and

WHEREAS, Berkeley County Council deems it important to recognize and highlight the economic and societal importance of literacy;

NOW, THEREFORE, I, Daniel W. Davis, Chairman of Berkeley County Council, do hereby proclaim September 2010 as Literacy Month in Berkeley County, South Carolina, and urge our citizens to learn more about the importance of literacy and to become involved with literacy in our community.

ADOPTED this 27th day of September, 2010.”

Ms. Olwig: “Trident Literacy has been in business for approximately 25 years. We’re a non-profit organization funded through a grant with the state, grants and donations. Also, as mentioned in the proclamation that we work with the detention center here. Right now, we’re working with the women exclusively, but we have worked with the men in the past. And, the recidivism rate is always lower with people who get more education when they’re incarcerated, because 85 percent of the people in the detention centers read below an eighth grade level, and that’s what it takes to be functionally illiterate. One thing she did mention is it cost close to \$200,000 to educate people who are functionally illiterate, for you, as a citizen to support the services that they need.”

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

“BILL NO. 10-30, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-00-02-055.”

(Danny Baston)

It was moved by Council Member Cathy Davis and seconded by Council Member Schurlnknight to **approve Bill No. 10-30 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-09-30 is attached to these minutes.)

“BILL NO. 10-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #161-14-00-024 AND #161-14-00-025.”

(John and Lucretia Winningham)

“BILL NO. 10-32, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #175-00-01-064.”

(Johnnie Capers for Leonard Boyd and Jack Pryor)

Chairman Daniel Davis: “Bill No. 10-31 and 10-32 have been held. We don’t have all the information to approve that tonight.”

“BILL NO. 10-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-174 AND #271-00-02-029.”

(Earthsource Engineering for Shirley Huggins and John Avinger)

It was moved by Council Member Steve Davis and seconded by Council Member Schurlnknight to **approve Bill No. 10-33 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-09-31 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

“BILL NO. 10-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #180-14-01-038.”
(Lloyd Driggers, Jr.)

“BILL NO. 10-35, A SEVENTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, COMBINED UTILITY SYSTEM REFUNDING REVENUE BOND, SERIES 2010, IN THE PRINCIPAL AMOUNT OF \$1,695,000, FOR THE PURPOSE OF REFUNDING THE COUNTY’S \$1,695,000 SOLID WASTE SYSTEM REVENUE BOND, SERIES 2005; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 10-36, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 09-11-55, THE ARTERIAL ROADS OVERLAY ORDINANCE, AND ORDINANCE NO. 01-08-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, ADDING ARTERIAL ROADS TO THE OVERLAY DISTRICT AND PROVIDING FOR THE REGULATION OF TEMPORARY SIGNAGE WITHIN THE OVERLAY DISTRICT.”

It was moved by Council Member Schurlknight and seconded by Council Member Fish to approve Bills Numbered 10-34, 10-35 and 10-36 for Second Reading by one motion. The motion passed by unanimous voice vote of Council.

FIRST READING:

Chairman Daniel Davis stated there were four bills for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

“BILL NO. 10-37, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-184.”
(Daniel Gowdown & Franklin Hanna)

“BILL NO. 10-38, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #209-02-01-067.”
(Marion & Kelley Hall)

“BILL NO. 10-39, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-01-034.”
(Nathaniel Myers)

“BILL NO. 10-40, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-148.”
(Howard & Kay Krauss)

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2009-2010 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

Ms. Nicole Scott Ewing, County Attorney: “I’ve been informed, Mr. Chairman, that that resolution is not needed this evening.”

Chairman Daniel Davis: “Ok; then we don’t need a motion.”

“RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY AND AUTHORIZING THE DISPOSAL OF THE SURPLUS PROPERTY.”

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve the resolution designating surplus property of Berkeley County and authorizing the disposal of same. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-38 is attached to these minutes.)

“RESOLUTION SETTING FEES FOR A STORMWATER SERVICE FEE TO FUND IMPLEMENTATION OF THE STORMWATER MANAGEMENT ORDINANCE.”

It was moved by Council Member Steve Davis and seconded by Council Member Farley to approve the resolution for a stormwater service fee to fund implementation of the Stormwater Management Ordinance. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-39 is attached to these minutes.)

“RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY OF ITS REVENUE BONDS (MEDICAL SOCIETY OF SOUTH CAROLINA), SERIES 2010, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$30,000,000.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to approve the resolution supporting issuance by the South Carolina Jobs Economic Development Authority of its Revenue Bonds, Series 2010, Medical Society of South Carolina, in the aggregate principal amount not to exceed \$30,000,000. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-40 is attached to these minutes.)

PROCLAMATION:

**“PROCLAMATION IN HONOR OF INTERNATIONAL LITERACY MONTH
SEPTEMBER 2010.”**

It was moved by Council Member Steve Davis and seconded by Council Member Cathy Davis to **approve** the **proclamation** in honor of International Literacy Month in September 2010. The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night. Several of the matters before the Committee have been addressed on this night’s agenda.”

- a. Grievance Committee Appointments:**
Robert G. McCutchen, Jr. – 04/30/2013
Shaun Bunton – 04/30/2013

Chairman Schurlknight: “On recommendation of the Committee, I move to **appoint** to the County Grievance Committee Robert G. McCutchen, Jr., and Shaun Bunton to serve through April 30, 2013.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

- b. 2011 Insurance Premiums**

Chairman Schurlknight: “Also, on recommendation of the Committee, I move to **approve** that the County pay the employer cost of the insurance premiums, plus \$105.14, in order to maintain free insurance for the employee under the Standard Plan.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Schurlknight’s report.)

Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on September 13th. All matters before the Committee have been addressed on this night’s agenda.”

(That concluded Chairman Farley’s report.)

**Committee on Public Works and Purchasing
Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “Mr. Chairman, the Committee on Public Works and Purchasing met on September 13th and earlier this evening.”

**a. Variance Waiver of Development Standards
Westminister Heights, Goose Creek**

Chairman Call: “On recommendation of the Committee, I move to **approve** a request for a variance waiver of developmental standards to the Westminister Heights, Goose Creek.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Standardization of a Walking Excavator

Chairman Call: “On recommendation of the Committee, I move to **approve** the standardization of a walking excavator, a Menzi Muck.” *(No second required.)*

The motion passed by majority voice vote of Council. Council Member Callanan voted, “Nay.”

**Corrosion and Odor Control System
Berkeley County Water and Sanitation**

Chairman Call: “On recommendation of the Committee, I move to **award** the contract for the corrosion and odor control system to Fogfree Technologies, in the amount of \$240,785.67. The contract is renewable each year up to five years.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Sole Source Purchase of Walking Excavator

Chairman Call: “On recommendation of the Committee, I move to **approve** the sole source purchase of one (1) walking excavator, Menzi Muck USA Sales, in the amount of no more than \$217,400.00.” *(No second required.)*

The motion passed by majority voice vote of Council. Council Member Callanan voted, “Nay.”

**d. Metal Retro-Fit Roofing System
Public Buildings Department**

Chairman Call: “Also, on recommendation of the Committee, I move to **award** the contract for the metal retro-fit roofing system for the Public Buildings Department roof to Robert W. Nunnery, in the amount of \$66,489.00.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

e. One (1) Modular Ambulance

Chairman Call: “On recommendation of the Committee, I move to **award** the contract for one (1) ambulance for the EMS Department to Custom Truck & Body Works, Inc., in the amount of \$118,536.00, and that came in under what we had budgeted for it.” (*No second required.*)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call’s report.)

**Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: “No report, Mr. Chairman.”

(That concluded Chairman Steve Davis’ report.)

**Committee on Water and Sanitation
Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan: “The Water and Sanitation Committee met on September 13th. All matters before the Committee have been addressed on this night’s agenda.”

(That concluded Chairman Callanan’s report.)

**Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman**

Chairman Cathy Davis: “No report, Mr. Chairman.”

(That concluded Chairman Cathy Davis’ report.)

**Committee on Community Services
Council Member, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Daniel Davis: “And, he also had no report.”

(That concluded Chairman Pinckney’s report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “No report, Mr. Chairman.”

(That concluded Chairman Fish’s report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC. – none

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The October 2010 Regular Meeting of Berkeley County Council will be held on Monday, October 25, 2010 immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Steve Davis and seconded by Council Member Schurilknight to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:03 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 7:10 p.m.

Mr. Jeff Reuer: “My name is Jeff Reuer. I live at 100 Mepkin Drive in Summerville, SC. That is in Berkeley County. I’ve been a resident of Berkeley County since I retired from the Navy in 1981. I’d like to thank Supervisor Davis and Council for giving me this opportunity to address you. I’ve been going over the County website, and I retrieved the following information from the Berkeley County Government Accounts Payable Register posted on the website. I’ve got a few expenditures that I’ve listed here – checks that were written, and what I’d like to know is if these expenditures are justified expenditures of the taxpayers’ dollars. If they’re not, then I’d like to find out exactly who wrote the checks and make them reimburse the County. Any other action beyond that would be at the discretion of the County. For most of the expenditures, I’ve listed the check number. There was a couple I didn’t have. This covers a period from August 4, 2009 to August 10, 2010. These were checks written for tickets to Riverbanks Zoo on three different occasions, Carowinds on four different occasions, four checks written to Dollywood, that’s in Tennessee, I believe, and one expenditure to the Coastal Carolina Fair last year for tickets of \$3,538.00. And, one other question I have that isn’t on here – I do go to the site regularly, and Berkeley County is one of the first counties to publish all their expenditures when they passed the transparency law. I’ve recently noticed, unless I’m looking in the wrong place, all of these have been removed except for the month of July and August 2010. I’ve downloaded a lot of the old ones, but I can’t find them on the site anymore. I was just wondering why; and thank you for your time.”

Chairman Daniel Davis: “Ok; well, actually, I can address these for you. The reason that they didn’t disappear, we are keeping a fiscal year at a time. So, we’ve just begun a new fiscal year, so that’s why you have July and August. Last year’s was up for all of last year.”

Mr. Reuer: “But, I can’t find it anymore on there?”

Chairman Daniel Davis: “No; the problem is...”

Mr. Reuer: “I’ve got most of them. I just wondered where they went in case...”

Chairman Daniel Davis: “The problem is you start slowing down the computers when you keep so much data on there. So, we can only really keep a year at a time. But, all of these expenditures – our HR Department – we have relationships with all of these attractions, and they offer to governmental entities tickets at a discount price, and our employees are able to buy those tickets at that discount price. So, when we buy them, the County issues a check, and then the employees purchase them from the County and reimburse the County for all of these, but none of these are expenses of the County. They are just simply reimbursements.”

Mr. Reuer: “Ok; so all of them have been reimbursed?”

Chairman Daniel Davis: “Oh; yes, Sir.”

Mr. Reuer: “Alright, thank you very much.”

Chairman Daniel Davis: “You’re quite welcome.”

Mr. Reuer: "You guys are doing a good job. Keep it up."

Chairman Daniel Davis: "You know, that's an interesting thing, because that transparency, you know, it would send a red flag if we were spending a lot of money for attractions, but at least that question got answered, in case anybody else was interested in it. Kace, did you have something you wanted to add?"

Ms. Kace Smith, Finance Director: "Yeah; one more thing I wanted to add. I wanted to let you all know that we have a link from the Comptroller General to our Accounts Payable Checks at the County website now. So, there were several of the counties – if you go to the Comptroller General, there were several of the counties that have direct links. I happened to be on the Comptroller General's, and I was like, 'Why don't we have a link?' So, I contacted them, and they were very pleased that we had been putting our checks on our website since, I believe, May of 2009 that we've had them out there. So, anyway, we have direct link. If you go to Comptroller General, you can tap right in to Berkeley County. Of course, it's available on our website. In addition to our Accounts Payable Checks, we also have our Procurement Card Transactions out there, as well."

Council Member Fish: "Very good."

Chairman Daniel Davis: "Ok; thank you."

Mr. Bill Bates: "My name is Bill Bates. I've been a resident of Berkeley County since 1982. I live at 132 Harron Place in Goose Creek, and before that, I lived at the Naval Weapons Station for about six years. So, I've been here since 1976. I've got a couple of questions. The first question I'm not real sure about. We have – the meeting is over, ok, it's been adjourned, correct?"

Chairman Daniel Davis: "Correct."

Mr. Bates: "Now, any statements that anybody comes forward now, is it being read into the record?"

Chairman Daniel Davis: "Yes; we're recording it."

Mr. Bates: "Ok, it is being recorded, so it is on record."

Chairman Daniel Davis: "Yes, Sir."

Mr. Bates: "Ok; thank you very much. The second thing is, I would like to state my displeasure and kind of unhappiness. The School Board had a meeting on the 23rd concerning the information, the raising of funds for our Berkeley County School District and the education of our children and how we go about that. I'm a little disappointed that only two of the Council Members decided to attend that meeting. It was pretty informative, even as simple as I am, I still understood a lot of it. So, I know you guys have to work together, and if it were me, and I was on the School Board, I would kind of take that as a slap in the face. Thank you very much."

Chairman Daniel Davis: "Thank you."

Public Discussion ended at 7:17 p.m.

S/Barbara B. Austin, CCC
Clerk of Council

October 25, 2010
Date Approved